

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 820

Introduced by Senator Kuehl

February 22, 2005

An act to amend Sections 100.5, 5000, 5001, 5003, 5004, 5005, 5009, 5101, 5106, 5107, 10004.5, 10004.6, 10620, 10631, 10642, 10644, 10645, 10656, 10753.7, ~~10811~~, 10814, 10816, 10840, 10841, and 10844 of, to add Sections 139, ~~1205.5~~, and 10826.1 to, to repeal Sections 4999, ~~5108~~, ~~10657~~, 10822, 10823, 10824, ~~10826~~, and 10855 of, and to repeal and add Sections *5108*, *10657*, *10811* 10820, 10821, 10825, *10826*, 10845, 10853, and 10854 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 820, as amended, Kuehl. Water.

(1) Existing law declares that conformity of a use, method of use, or method of diversion of water with local custom is not, by itself, determinative of the reasonableness of that use, method of use, or diversion.

This bill would establish other factors for consideration with regard to a determination as to the reasonableness of a water use, method of use, or method of diversion.

(2) Under existing law, the Department of Water Resources operates the State Water Project, which includes state water facilities, as defined.

This bill would require the department, commencing in 2007, and every 2 years thereafter, to prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project

service area a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor.

~~(3) Existing law declares all water flowing in any natural channel, except as specified, to be public water of the state and subject to appropriation. Existing law authorizes the State Water Resources Control Board, following notice and hearing, to adopt a declaration that a stream system is fully appropriated.~~

~~This bill would require the executive director of the board to establish, maintain, and publish a list of stream systems that are candidates for being declared fully appropriated, for information purposes only.~~

~~(4) Existing law, with certain exceptions, requires a person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura to file with the state board an annual notice of extraction. Existing law, with certain exceptions, provides that, after 1959, the failure to file a notice for any calendar year within 6 months after the close of that calendar year is equal to nonuse of the groundwater in those counties for that calendar year by each person failing to so file.~~

~~This bill would impose parallel provisions on the remaining counties in the state for extractions on and after January 1, 2006. The bill would require the state board to allow any person who fails to submit a statement to cure that defect, if it determines that the person who failed to file the statement made a good faith effort to comply.~~

~~(5)~~

~~(4) Existing law, except as specified, requires each person who, after December 31, 1965, diverts water to file with the state board, before July 1 of the succeeding year, a statement of diversion and use. Existing law excepts diversions that are covered by an application, or a permit or license to appropriate water on file with the state board. Existing law also excepts diversions reported by the department in its hydrologic data bulletins or included in the consumptive use data for the delta lowlands published by the department in its hydrologic data bulletins. Under existing law, the making of any willful misstatement regarding statements of diversion or use is a misdemeanor and any person who makes a material misstatement under these provisions may be civilly liable. Under existing law, statements filed pursuant to those provisions are for informational purposes only, and, except as~~

specified, neither the failure to file a statement nor any error in the information filed have any legal consequences.

This bill would, with regard to the covered diversions, modify that provision to except diversions covered by a permit or license to appropriate water or a registration of appropriation for small domestic or livestock ~~pond~~ *stockpond* uses that are on file with the state board. The bill would limit those other described exceptions to diversions that occurred before January 1, 2006.

The bill would delete that informational purpose provision and expand the civil liability provision to apply to any person who fails to file a ~~statements~~ *statement* for a diversion or use that occurs on or after January 1, 2006. The bill would also make any person who fails to file a statement for a diversion or use that occurs on or after January 1, 2006, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority. *The bill would require the state board to allow any person who fails to submit a statement to cure that defect, if it determines that the person who failed to file the statement made a good faith effort to comply.*

(6)

(5) Under existing law, a plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state is known as the California Water Plan. Existing law requires the department to update the plan on or before December 31, 2003, and every 5 years thereafter. Existing law requires the plan to include a discussion ~~or~~ *of* specified topics.

This bill would require ~~the~~ *a plan that is due on or after December 31, 2013*, to include a discussion of the amount of energy both produced *by*, and required by, each strategy during peak and nonpeak use that may be pursued to meet the future water needs of the state, and would require the department to release certain information regarding the amount of energy both produced by, and required to provide, current and projected water supplies.

(7)

(6) Existing law requires every urban water supplier to prepare and adopt an urban water management plan, as prescribed, including a requirement that the urban water supplier coordinate the preparation of the plan with other appropriate agencies, to the extent practicable. Existing law requires an urban water supplier to submit a copy of its plan to the department, the California State Library, and any city or

county within which the supplier provides water supplies, and to make the plan available for public review during normal business hours.

This bill would include public utilities that provide electric or gas service ~~in~~ among those coordinating agencies. The bill would require a plan to quantify the amount of energy both produced and required by certain existing and planned water sources and, with regard to a cost-benefit analysis for water demand management measures, to include energy costs and benefits of conserved water during periods of peak and nonpeak use. The bill would revise requirements relating to the provision of public notice with regard to the preparation and adoption of an urban water management plan. The bill would require an urban water supplier to submit a copy of its plan to additional entities, and to make the plan available for public review on its Internet Web site.

~~(8)~~

(7) Under existing law, if an urban water supplier fails to prepare, adopt, and submit an urban water management plan, it is ineligible for certain bond funds and drought assistance until it does so. Existing law, until January 1, 2006, also requires the department to take into consideration whether a plan has been submitted in determining eligibility for other program funds.

This bill would delete those provisions, and would, instead, make an urban water supplier that fails to prepare, adopt, and submit an urban water management plan, ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority until it does so.

~~(9)~~

(8) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, except as specified, would require a local agency to update the plan on or before December 31, 2008, and every 5 years thereafter. The bill would require a local agency to submit a copy of its plan to specified entities not later than 30 days after the date of its adoption.

~~(12)~~

(9) Existing law relating to agricultural water management planning, until January 1, 1993, and thereafter only as specified, provides for the preparation and adoption of water management plans. That existing law defines “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes.

This bill would substantially revise existing law relating to agricultural water management planning to require every agricultural water supplier to prepare and adopt an agricultural water management plan, as prescribed, on or before December 31, 2010. The bill would define “agricultural water supplier” or “supplier” to mean a supplier, either publicly or privately owned, supplying more than ~~2,000~~ 10,000 acre-feet of water annually for agricultural purposes ~~or serving more than 2,000 acres of agricultural land~~. The bill would require every person that becomes an agricultural water supplier to adopt an agricultural water management plan within one year after it has become an agricultural water supplier. The bill would require an agricultural water supplier to update the plan, file it, and make it available, as prescribed. The bill would make an agricultural water supplier that fails to prepare, adopt, and submit a plan ineligible for funds made available pursuant to any program administered by the state board, the department, or the California Bay-Delta Authority. *The bill would require an agricultural water supplier to make the plan available for public review on the supplier’s Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 100.5 of the Water Code is amended to
2 read:
3 100.5. (a) It is hereby declared to be the established policy of
4 this state that conformity of a use, method of use, or method of
5 diversion of water with local custom shall not be solely
6 determinative of its reasonableness, but shall be considered as
7 one factor to be weighed in the determination of the
8 reasonableness of the use, method of use, or method of diversion
9 of water, within the meaning of Section 2 of Article X of the
10 California Constitution.

(b) Other factors that shall be considered in the determination of reasonableness include, but are not limited to, all of the following:

(1) The feasibility and reasonableness of the costs of conserving water.

(2) The economic, social, and other benefits of conserving water.

(3) Other potential beneficial uses that could be made of water that could be conserved.

(4) Whether water that could be conserved currently serves a downstream beneficial purpose.

SEC. 2. Section 139 is added to the Water Code, to read:

139. Commencing in 2007, and every two years thereafter, the department shall prepare and deliver to all State Water Project contractors, all city and county planning departments, and all regional and metropolitan planning departments within the project service area, a report that accurately sets forth, under a range of hydrologic conditions, the then-existing overall delivery capability of the project facilities and the allocation of that capacity to each contractor. The range of hydrologic conditions shall include the historic extended dry cycle and the long-term average. The biennial report shall also disclose, for each of the 10 years immediately preceding the report, the total amount of project water delivered and the amount of project water delivered to each contractor. The information presented in each report shall be presented in a manner readily understandable by the public.

SEC. 3. ~~Section 1205.5 is added to the Water Code, to read:~~

~~1205.5. (a) The executive director of the board shall establish, maintain, and publish a list of stream systems that are candidates for being declared fully appropriated pursuant to Section 1205.~~

~~(b) The executive director shall add or remove stream systems to the candidate list established in subdivision (a), based on information known to the executive director and the executive director's best judgment of the likelihood of the board declaring the stream system fully appropriated.~~

~~(c) The list of candidate stream systems shall be used for informational purposes only.~~

SEC. 4. —

SEC. 3. Section 4999 of the Water Code is repealed.

~~SEC. 5.—~~

SEC. 4. Section 5000 of the Water Code is amended to read:

5000. As used in this part, the following terms have the following meanings:

(a) “Groundwater” means water beneath the surface of the ground whether or not flowing through known and definite channels.

(b) “Surface water” means water on the surface of the ground.

(c) “Four counties” means the Counties of Riverside, San Bernardino, Los Angeles, and Ventura.

(d) “Balance of the state” means all of this state, excluding the four counties.

(e) “Person” means all persons whether natural or artificial, including the United States of America, the State of California, and all political subdivisions, districts, municipalities and public agencies of or in either the state or the United States.

(f) “Sources” means any point of diversion or extraction of water and includes among other things wells, tunnels, and headworks.

~~SEC. 6.—~~

SEC. 5. Section 5001 of the Water Code is amended to read:

5001. (a) Each person who, after 1955 in the four counties, and on and after January 1, 2006, in the balance of the state, extracts groundwater in excess of 25 acre-feet in any year shall file with the board on or before March 1st of the succeeding year a “Notice of Extraction and Diversion of Water” in the form provided in Section 5002.

(b) No notice need be filed with respect to, and there shall not be required to be included in any such notice, any of the following:

(1) Information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during such year.

(2) Information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection therewith.

(3) Information concerning extractions or diversions of water that are included in annual reports filed with a court or the board by a watermaster appointed by a court or pursuant to statute to

1 administer a final judgment determining rights to water, which
2 reports identify the persons who have extracted or diverted water
3 and give the general place of use and the quantity of water that
4 has been extracted or diverted from each source.

5 (4) Information concerning extractions or diversions of water
6 that are included in the ~~semiannual~~ reports submitted to the
7 Orange County Water District pursuant to the Orange County
8 Water District Act.

9 (5) *Information concerning extractions or diversions of water*
10 *that are included in reports submitted to the Santa Clara Valley*
11 *Water District pursuant to the Santa Clara Valley Water District*
12 *Act.*

13 ~~SEC. 7.—~~

14 SEC. 6. Section 5003 of the Water Code is amended to read:

15 5003. No prescriptive right that might otherwise accrue to
16 extract groundwater shall arise or accrue to, nor shall any statute
17 of limitations operate in regard to that groundwater in the state or
18 any of them after the year 1956 in the four counties, and on and
19 after January 1, 2006, in the balance of the state, in favor of any
20 person required to file the notice of extraction and diversion of
21 water, until that person files with the board the first “Notice of
22 Extraction and Diversion of Water” substantially in the form
23 mentioned in Section 5002; and as to each person who fails to
24 file notice by the end of the year 1957 in the four counties and on
25 and after January 1, 2007, in the balance of the state, it shall be
26 deemed for the period from that time until the first notice is filed,
27 that no claim of right to the extraction of groundwater from any
28 source has been made by that person, and that water so extracted
29 by that person from that groundwater source during that period
30 has not been devoted to or used for any beneficial use. The
31 beneficial use of water from any groundwater source in any year
32 by that person shall be deemed not to exceed the quantity
33 reported in the notice filed for that year.

34 ~~SEC. 8.—~~

35 SEC. 7. Section 5004 of the Water Code is amended to read:

36 5004. (a) After the year 1959 in the four counties, and on and
37 after January 1, 2007, in the balance of the state, failure to file
38 with the board a notice for any calendar year within six months
39 after the close of that calendar year shall be deemed equivalent

for all purposes to nonuse for that year of any groundwater by each person failing to so file a notice within said period.

(b) Notwithstanding subdivision (a), this section and Section 5003 shall not apply to any person whose aggregate extractions of groundwater in any year does not exceed 25 acre-feet nor to any extractions of groundwater with respect to which no notice is required to be filed under this part.

(c) Any person who fails to submit statements required by this part shall be ineligible to receive funds made available pursuant to any program administered by the board, the department, or the California Bay-Delta Authority.

(d) The board shall allow any person who fails to submit a statement required by this part to cure that defect, if the board determines that the person who failed to file the statement made a good faith effort to comply with this part.

~~SEC. 9.—~~

SEC. 8. Section 5005 of the Water Code is amended to read:

5005. Except as specified in Section 5004, failure to file the notice or delay in filing the same shall not cause the loss of rights to groundwater that existed on January 1, 1956, for persons in the four counties, and January 1, 2006, for persons in the balance of the state.

~~SEC. 10.—~~

SEC. 9. Section 5009 of the Water Code is amended to read:

5009. (a) (1) Notwithstanding any other provision of this part, on and after January 1, 2005, in the four counties, and on and after January 1, 2006, in the balance of the state, each person who extracts groundwater in a board-designated local area, and who is otherwise subject to this part, shall file the required notice with the appropriate local agency designated pursuant to subdivision (e), instead of the board, in accordance with this part. The notice shall be on a form provided by the local agency and the content of the form shall be determined by the local agency in accordance with Section 5002. To the extent possible, the form shall consolidate the notice required under this section with other reports required by the local agency relating to the extraction of groundwater.

(2) A person who is subject to this section is subject to this part in the same manner and to the same extent as a person who files his or her notice with the board.

(b) Each notice filed with the local agency may include a filing fee determined by the local agency. If the local agency chooses to impose a filing fee, the local agency shall calculate the amount of the fee to pay for administrative expenses incurred in connection with the processing, compiling, and retaining of the notices, but in no event shall the fee amount exceed that amount charged by the board pursuant to Section 5006.

(c) The local agency shall make available to the public the information collected pursuant to this section.

(d) For the purposes of this section:

(1) "Board-designated local area" means the area entirely within the jurisdiction of the local agency that the board has determined shall be subject to this section.

(2) "Local agency" means the local public agency or court appointed watermaster that has been designated by the board in accordance with subdivision (e).

(e) The board shall designate an entity as a local agency for the purposes of this section if the board determines that all of the following apply:

(1) The entity has volunteered to be designated.

(2) The entity has responsibilities relating to the extraction or use of groundwater.

(3) The entity has made satisfactory arrangements with the board to identify which groundwater extractors are within the designated local area and to avoid the submission of notices to both the board and one or more local agencies.

(4) The entity has made satisfactory arrangements with the board to maintain records filed under this part for extractions within the designated local area, and to make those records available to governmental agencies.

~~SEC. 11.—~~

SEC. 10. Section 5101 of the Water Code is amended to read:

5101. Each person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his or her diversion and use; provided, however, that no statement need be filed if the diversion is any of the following:

(a) From a spring which does not flow off the property on which it is located.

1 (b) Covered by a permit or license to appropriate water, or a
2 registration of appropriation for small domestic or livestock
3 stockpond uses, on file with the board.

4 (c) Included in a notice filed pursuant to Part 5 (commencing
5 with Section 4999) of this division.

6 (d) Regulated by a watermaster appointed by the department.

7 (e) Included in annual reports filed with a court or the board
8 by a watermaster appointed by a court or pursuant to statute to
9 administer a final judgment determining rights to water, which
10 reports identify the persons who have diverted water and give the
11 general place of use and the quantity of water which has been
12 diverted from each source.

13 (f) For use in compliance with the provisions of Article 2.5
14 (commencing with Section 1226) of Chapter 1 of Part 2 of this
15 division.

16 (g) A diversion that occurs before January 1, 2006, if any of
17 the following applies:

18 (1) The diversion is covered by an application to appropriate
19 water on file with the board.

20 (2) The diversion is reported by the department in its
21 hydrologic data bulletins.

22 (3) The diversion is included in the consumptive use data for
23 the delta lowlands published by the department in its hydrologic
24 data bulletins.

25 ~~SEC. 12.—~~

26 *SEC. 11.* Section 5106 of the Water Code is amended to read:

27 5106. (a) Neither the statements submitted under this part nor
28 the determination of facts by the board pursuant to Section 5105
29 shall establish or constitute evidence of a right to divert or use
30 water.

31 (b) (1) The board may rely on the names and addresses
32 included in statements submitted under this part for the purpose
33 of determining the names and addresses of persons who are to
34 receive notices with regard to proceedings before the board.

35 (2) Notwithstanding paragraph (1), any person may submit, in
36 writing, a request to the board to provide notification to a
37 different address, and the board shall provide the notification to
38 that address.

39 (3) If the board provides notice to persons who file statements
40 under this part, the notice shall not be determined to be

1 inadequate on the basis that notice was not received by a person,
2 other than a party to whom the board's action is directed, who
3 fails to file a statement required to be filed under this part.

4 (4) This subdivision does not affect the requirement in Section
5 2527 to provide notice to all persons who own land that appears
6 to be riparian to the stream system.

7 (c) In any proceeding before the board to determine whether
8 an application for a permit to appropriate water should be
9 approved, any statement submitted under this part or
10 determination by the board pursuant to Section 5105 is evidence
11 of the facts stated therein.

12 (d) In any proceeding before the board in which it is alleged
13 that an appropriative right has ceased because water has not been
14 put to beneficial use, any use occurring on or after January 1,
15 2006, that is required to be included in a statement submitted
16 under this part shall be deemed not to have occurred unless it was
17 reported in a statement submitted under this part, and the quantity
18 used shall be deemed not to exceed the quantity reported.

19 ~~SEC. 13.—~~

20 *SEC. 12.* Section 5107 of the Water Code is amended to read:

21 5107. (a) The making of any willful misstatement pursuant to
22 this part is a misdemeanor punishable by a fine not exceeding
23 one thousand dollars (\$1,000) or by imprisonment in the county
24 jail for not to exceed six months, or both.

25 (b) Any person who fails to file a statement required to be
26 filed under this part for a diversion or use that occurs on or after
27 January 1, 2006, or who makes a material misstatement pursuant
28 to this part may be liable civilly as provided in subdivision (c).

29 (c) Civil liability may be administratively imposed by the
30 board pursuant to Section 1055 in an amount not to exceed five
31 hundred dollars (\$500) for each violation. In determining the
32 appropriate amount, the board shall consider all relevant
33 circumstances, including, but not limited to, all of the following
34 factors:

- 35 (1) The extent of harm caused by the violation.
- 36 (2) The nature and persistence of the violation.
- 37 (3) The length of time over which the violation occurs.
- 38 (4) Any corrective action undertaken by the violator.

1 (d) All funds recovered pursuant to this section shall be
2 deposited in the Water Rights Fund established pursuant to
3 Section 1550.

4 (e) Any person who fails to file a statement required to be filed
5 under this part for a diversion or use that occurs on or after
6 January 1, 2006, is ineligible for funds made available pursuant
7 to any program administered by the board, the department, or the
8 California Bay-Delta Authority.

9 ~~SEC. 14.—~~

10 *SEC. 13.* Section 5108 of the Water Code is repealed.

11 *SEC. 14.* Section 5108 is added to the Water Code, to read:

12 *5108. The board shall allow any person who fails to submit a*
13 *statement required by this part to cure that defect, if the board*
14 *determines that the person who failed to file the statement made*
15 *a good faith effort to comply with this part.*

16 *SEC. 15.* Section 10004.5 of the Water Code is amended to
17 read:

18 10004.5. As part of the requirement of the department to
19 update The California Water Plan pursuant to subdivision (b) of
20 Section 10004, the department shall include in the plan a
21 discussion of all of the following:

22 (a) Various strategies, including, but not limited to, those
23 relating to the development of new water storage facilities, water
24 conservation, water recycling, desalination, conjunctive use, and
25 water transfers that may be pursued in order to meet the future
26 water needs of the state.

27 (b) ~~The~~ *For a plan that is due on or after December 31, 2013,*
28 *the amount of energy both produced by, and required by, each*
29 *strategy during periods of both peak and nonpeak use, including*
30 *consideration of the value and benefits of the energy both*
31 *produced and required by each strategy.*

32 (c) The potential for alternative water pricing policies to
33 change current and projected uses.

34 (d) The potential advantages and disadvantages of each
35 strategy and an identification of all federal and state permits,
36 approvals, or entitlements that are anticipated to be required in
37 order to implement the various components of the strategy.

38 *SEC. 16.* Section 10004.6 of the Water Code is amended to
39 read:

1 10004.6. (a) As part of updating The California Water Plan
2 every five years pursuant to subdivision (b) of Section 10004, the
3 department shall conduct a study to determine the amount of
4 water needed to meet the state's future needs and to recommend
5 programs, policies, and facilities to meet those needs.

6 (b) The department shall consult with the advisory committee
7 established pursuant to subdivision (b) of Section 10004 in
8 carrying out this section.

9 (c) One year prior to issuing each update to The California
10 Water Plan, the department shall release a preliminary draft of
11 the assumptions and other estimates upon which the study will be
12 based, to interested persons and entities throughout the state for
13 their review and comments. The department shall provide these
14 persons and entities an opportunity to present written or oral
15 comments on the preliminary draft. The department shall
16 consider these documents when adopting the final assumptions
17 and estimates for the study. For the purpose of carrying out this
18 subdivision, the department shall release, at a minimum,
19 assumptions and other estimates relating to all of the following:

20 (1) Basin hydrology, including annual rainfall, estimated
21 unimpaired stream flow, depletions, and consumptive uses.

22 (2) Groundwater supplies, including estimates of sustainable
23 yield, supplies necessary to recover overdraft basins, and
24 supplies lost due to pollution and other groundwater
25 contaminants.

26 (3) Current and projected land use patterns, including the mix
27 of residential, commercial, industrial, agricultural, and
28 undeveloped lands.

29 (4) Environmental water needs, including regulatory instream
30 flow requirements, nonregulated instream uses, and water needs
31 by wetlands, preserves, refuges, and other managed and
32 unmanaged natural resource lands.

33 (5) Current and projected population.

34 (6) Current and projected water use for all of the following:

35 (A) Interior uses in a single-family dwelling.

36 (B) Exterior uses in a single-family dwelling.

37 (C) All uses in a multifamily dwelling.

38 (D) Commercial uses.

39 (E) Industrial uses.

40 (F) Parks and open spaces.

1 (7) Evapotranspiration rates for major crop types, including
2 estimates of evaporative losses by irrigation practice and the
3 extent to which evaporation reduces transpiration.

4 (8) Current and projected adoption of urban and agricultural
5 conservation practices.

6 (9) Current and projected supplies of water provided by water
7 recycling and reuse.

8 (10) ~~The~~ *For a preliminary draft of the assumptions and other*
9 *estimates due on or after December 31, 2012, the* amount of
10 energy both produced by and required to provide current and
11 projected water supplies during periods of both peak and
12 nonpeak use, including consideration of the value *and benefits* of
13 the energy both produced and required by the current and
14 projected water supplies.

15 (d) The department shall include a discussion of the potential
16 for alternative water pricing policies to change current and
17 projected water uses identified pursuant to paragraph (6) of
18 subdivision (c).

19 (e) Nothing in this section requires or prohibits the department
20 from updating any data necessary to update The California Water
21 Plan pursuant to subdivision (b) of Section 10004.

22 SEC. 17. Section 10620 of the Water Code is amended to
23 read:

24 10620. (a) Every urban water supplier shall prepare and
25 adopt an urban water management plan in the manner set forth in
26 Article 3 (commencing with Section 10640).

27 (b) Every person that becomes an urban water supplier shall
28 adopt an urban water management plan within one year after it
29 has become an urban water supplier.

30 (c) An urban water supplier indirectly providing water shall
31 not include planning elements in its water management plan as
32 provided in Article 2 (commencing with Section 10630) that
33 would be applicable to urban water suppliers or public agencies
34 directly providing water, or to their customers, without the
35 consent of those suppliers or public agencies.

36 (d) (1) An urban water supplier may satisfy the requirements
37 of this part by participation in areawide, regional, watershed, or
38 basinwide ~~urban~~ water management planning where those plans
39 will reduce preparation costs and contribute to the achievement
40 of conservation and efficient water use.

(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, public utilities that provide electric or gas service, and other relevant public agencies, to the extent practicable.

(e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources, *improve water supply reliability*, and minimize the need to import water from other regions.

SEC. 18. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump

under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (1) An average water year.
- (2) A single dry water year.
- (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) Quantify the amount of energy both produced *by*, and required by, each existing and planned water source identified in subdivisions (b) and (d) during periods of both peak and nonpeak use, including consideration of the value *and benefits* of the energy both produced *by*, and required by, each source.

(f) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses

- 1 among water use sectors including, but not necessarily limited to,
2 all of the following uses:
- 3 (A) Single-family residential.
 - 4 (B) Multifamily.
 - 5 (C) Commercial.
 - 6 (D) Industrial.
 - 7 (E) Institutional and governmental.
 - 8 (F) Landscape.
 - 9 (G) Sales to other agencies.
 - 10 (H) Saline water intrusion barriers, groundwater recharge, or
 - 11 conjunctive use, or any combination thereof.
 - 12 (I) Agricultural.
- 13 (2) The water use projections shall be in the same five-year
14 increments described in subdivision (a).
- 15 (g) Provide a description of the supplier's water demand
16 management measures. This description shall include all of the
17 following:
- 18 (1) A description of each water demand management measure
 - 19 that is currently being implemented, or scheduled for
 - 20 implementation, including the steps necessary to implement any
 - 21 proposed measures, including, but not limited to, all of the
 - 22 following:
 - 23 (A) Water survey programs for single-family residential and
 - 24 multifamily residential customers.
 - 25 (B) Residential plumbing retrofit.
 - 26 (C) System water audits, leak detection, and repair.
 - 27 (D) Metering with commodity rates for all new connections
 - 28 and retrofit of existing connections.
 - 29 (E) Large landscape conservation programs and incentives.
 - 30 (F) High-efficiency washing machine rebate programs.
 - 31 (G) Public information programs.
 - 32 (H) School education programs.
 - 33 (I) Conservation programs for commercial, industrial, and
 - 34 institutional accounts.
 - 35 (J) Wholesale agency programs.
 - 36 (K) Conservation pricing.
 - 37 (L) Water conservation coordinator.
 - 38 (M) Water waste prohibition.
 - 39 (N) Residential ultra-low-flush toilet replacement programs.

1 (2) A schedule of implementation for all water demand
2 management measures proposed or described in the plan.

3 (3) A description of the methods, if any, that the supplier will
4 use to evaluate the effectiveness of water demand management
5 measures implemented or described under the plan.

6 (4) An estimate, if available, of existing conservation savings
7 on water use within the supplier's service area, and the effect of
8 the savings on the supplier's ability to further reduce demand.

9 (h) An evaluation of each water demand management measure
10 listed in paragraph (1) of subdivision (g) that is not currently
11 being implemented or scheduled for implementation. In the
12 course of the evaluation, first consideration shall be given to
13 water demand management measures, or combination of
14 measures, that offer lower incremental costs than expanded or
15 additional water supplies. This evaluation shall do all of the
16 following:

17 (1) Take into account economic and noneconomic factors,
18 including environmental, social, health, customer impact, and
19 technological factors.

20 (2) Include a cost-benefit analysis, identifying total benefits
21 and total costs, including, but not limited to, the energy costs and
22 benefits of conserved water during periods of peak and nonpeak
23 use.

24 (3) Include a description of funding available to implement
25 any planned water supply project that would provide water at a
26 higher unit cost.

27 (4) Include a description of the water supplier's legal authority
28 to implement the measure and efforts to work with other relevant
29 agencies to ensure the implementation of the measure and to
30 share the cost of implementation.

31 (i) Include a description of all water supply projects and water
32 supply programs that may be undertaken by the urban water
33 supplier to meet the total projected water use as established
34 pursuant to subdivision (a) of Section 10635, including a
35 discussion of supply sources and management programs
36 considered but rejected *and the extent to which the urban water*
37 *supplier has diversified its sources of supply as a means to*
38 *improve overall reliability*. The urban water supplier shall
39 include a detailed description of expected future projects and
40 programs, other than the demand management programs

1 identified pursuant to paragraph (1) of subdivision (g), that the
2 urban water supplier may implement to increase the amount,
3 *reliability, and quality* of the water supply available to the urban
4 water supplier in average, single-dry, and multiple-dry water
5 years. The description shall identify specific projects and include
6 a description of the increase in ~~water supply~~ *the amount of water*
7 *supply, improvements to water quality, if any, and the planned*
8 *reliability of the supply* that is expected to be available from each
9 project. The description shall include an estimate with regard to
10 the implementation timeline for each project or program.

11 (j) Describe the opportunities for development of desalinated
12 water, including, but not limited to, ocean water, brackish water,
13 and groundwater, as a long-term supply.

14 (k) Urban water suppliers that are members of the California
15 Urban Water Conservation Council and submit annual reports to
16 that council in accordance with the “Memorandum of
17 Understanding Regarding Urban Water Conservation in
18 California,” dated September 1991, may submit the annual
19 reports identifying water demand management measures
20 currently being implemented, or scheduled for implementation,
21 to satisfy the requirements of subdivisions (g) and (h).

22 (l) Urban water suppliers that rely upon a wholesale agency
23 for a source of water, shall provide the wholesale agency with
24 water use projections from that agency for that source of water in
25 five-year increments to 20 years or as far as data is available. The
26 wholesale agency shall provide information to the urban water
27 supplier for inclusion in the urban water supplier’s plan that
28 identifies and quantifies, to the extent practicable, the existing
29 and planned sources of water as required by subdivision (b),
30 available from the wholesale agency to the urban water supplier
31 over the same five-year increments, and during various
32 water-year types in accordance with subdivision (c). An urban
33 water supplier may rely upon water supply information provided
34 by the wholesale agency in fulfilling the plan informational
35 requirements of subdivisions (b) and (c).

36 SEC. 19. Section 10642 of the Water Code is amended to
37 read:

38 10642. (a) Each urban water supplier shall encourage the
39 active involvement of diverse social, cultural, and economic
40 elements of the population within the service area prior to and

1 during the preparation of the plan. ~~An urban water supplier shall~~
2 ~~hold at least one public meeting at which it shall allow public~~
3 ~~testimony regarding the matters required to be included in the~~
4 ~~supplier's urban water management plan. The supplier shall~~
5 ~~provide at least 10 days' public notice of the public meeting by~~
6 ~~publication one time in a newspaper of general circulation in the~~
7 ~~jurisdiction of the supplier and shall mail a written notice by~~
8 ~~first-class mail to organizations and individuals who have~~
9 ~~previously requested the notice in writing.~~

10 ~~(b) Prior to adopting a plan, the urban water supplier shall~~
11 ~~make the plan available for public inspection for a minimum of~~
12 ~~30 days and shall hold a public hearing thereon. The supplier~~
13 ~~shall provide at least 30 days' public notice of the availability of~~
14 ~~the plan for public inspection and of the public hearing by~~
15 ~~publication one time in a newspaper of general circulation in the~~
16 ~~jurisdiction of the supplier and shall mail a written notice by~~
17 ~~first-class mail to organizations and individuals who have~~
18 ~~previously requested the notice in writing. Additionally, the~~
19 ~~supplier shall provide at least 10 days' public notice of the public~~
20 ~~hearing by publication one time in a newspaper of general~~
21 ~~circulation. The urban water supplier shall provide~~*Before*
22 *adopting the plan, the urban water supplier shall do all of the*
23 *following:*

24 *(1) Publish notice of the availability for review of a proposed*
25 *plan one time in a newspaper of general circulation in the*
26 *jurisdiction of the urban water supplier and by first class mail to*
27 *organizations and individuals who have previously requested*
28 *notice in writing. The notice shall also set forth the date, time,*
29 *and place of a scheduled public meeting to receive input*
30 *concerning the contents of the plan and of the date, time, and*
31 *place of a scheduled public hearing at which the adoption of the*
32 *proposed plan will be considered.*

33 *(2) Hold a public meeting no sooner than the later of the*
34 *following:*

35 *(A) Thirty days after publication of the notice of availability*
36 *for review.*

37 *(B) Ten days after the public meeting.*

38 *(C) Ten days after publication of the notice of the date, time,*
39 *and place of the public hearing.*

1 (3) *Provide* notice of the time and place of hearing to the
2 legislative body of any city or county within which the supplier
3 provides water supplies. A privately owned water supplier shall
4 provide an equivalent notice within its service area. After the
5 hearing, the plan shall be adopted as prepared or as modified
6 after the hearing.

7 ~~(e) Prior to the adoption of a~~

8 (b) *Before the adoption of the plan*, an urban water supplier
9 shall evaluate and respond only to those written comments it
10 receives not later than seven days before the date initially set for
11 the public hearing on the plan. *The responses shall describe the*
12 *disposition of each significant issue raised by commenters that is*
13 *properly the subject of the plan.* If an urban water supplier does
14 not make revisions in response to a comment or group of similar
15 comments *raising a major issue on which the supplier's position*
16 *is at variance with the recommendations or objections raised in*
17 *the comment*, the supplier shall state the reasons therefor, or
18 determine that the comment or comments do not raise issues that
19 are relevant to the subject of ~~a~~ *the* plan. Revisions or responses
20 may be set forth in a separate section of, or appendix to, the plan.

21 (c) *Once a plan has been adopted in accordance with*
22 *subdivision (a), a plan may be amended or changed at any time*
23 *within the five-year update period, if the requirements described*
24 *in subdivision (b) of Section 10621 are met and a public hearing*
25 *is held to consider those amendments or changes.*

26 SEC. 20. Section 10644 of the Water Code is amended to
27 read:

28 10644. (a) An urban water supplier shall submit to the
29 entities listed in subdivision (b) a copy of its plan no later than 30
30 days after adoption. Copies of amendments or changes to the
31 plans shall be submitted to the entities listed in subdivision (b)
32 within 30 days after adoption.

33 (b) An urban water supplier shall file a copy of its plan and
34 amendments or changes with each of the following entities:

35 (1) The department.

36 (2) Any city or county within which the urban water supplier
37 provides water supplies.

38 (3) Any groundwater management entity within which the
39 urban water supplier extracts or provides water supplies.

1 (4) Any agricultural water supplier within which district the
2 urban water supplier provides water supplies.

3 (5) Any city or county library within which district the urban
4 water supplier provides water supplies.

5 (6) The California State Library.

6 (7) Any local agency formation commission within which
7 county the urban water supplier provides water supplies.

8 (c) The department shall prepare and submit to the Legislature,
9 on or before December 31, in the years ending in six and one, a
10 report summarizing the status of the plans adopted pursuant to
11 this part. The report prepared by the department shall identify the
12 outstanding elements of the individual plans. The department
13 shall provide a copy of the report to each urban water supplier
14 that has submitted its plan to the department. The department
15 shall also prepare reports and provide data for any legislative
16 hearings designed to consider the effectiveness of plans
17 submitted pursuant to this part.

18 SEC. 21. Section 10645 of the Water Code is amended to
19 read:

20 10645. Not later than 30 days after adopting its plan, the
21 urban water supplier shall make the plan available for public
22 review on the Internet Web site of the urban water supplier.

23 SEC. 22. Section 10656 of the Water Code is amended to
24 read:

25 10656. An urban water supplier that does not prepare, adopt,
26 and submit its urban water management plan in accordance with
27 this part, is ineligible to receive funds made available pursuant to
28 any program administered by the board, the department, or the
29 California Bay-Delta Authority until the urban water
30 management plan is submitted pursuant to this article.

31 SEC. 23. Section 10657 of the Water Code is repealed.

32 SEC. 24. Section 10657 is added to the Water Code, to read:

33 10657. The amendments to this part enacted at the 2005-06
34 Regular Session of the Legislature shall not apply to those urban
35 water management plans required by this part to be adopted on
36 or before January 1, 2006.

37 ~~SEC. 24.—~~

38 SEC. 25. Section 10753.7 of the Water Code is amended to
39 read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, any local agency seeking state funds administered by the department, the board, or the California Bay-Delta Authority for the construction of groundwater projects or groundwater quality projects, excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.

(2) For the purposes of carrying out paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For the purposes of carrying out paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) The local agency shall adopt monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.

(5) Local agencies that are located in areas outside the groundwater basins delineated on the latest edition of the

department's groundwater basin and subbasin map shall prepare groundwater management plans incorporating the components in this subdivision, and shall use geologic and hydrologic principles appropriate to those areas.

(6) (A) The local agency shall update the plan on or before December 31, 2008, and every five years thereafter. For the purpose of carrying out this subparagraph, the local agency shall evaluate the progress made in achieving the adopted basin management objectives, identify successes and shortcomings in meeting those objectives, revise the basin management objectives as appropriate, and develop a plan to achieve the basin management objectives as they may or may not be revised. The updated plans are due on or before December 31 in years ending in three and eight.

(B) Notwithstanding subparagraph (A), a local agency is not required to update a groundwater management plan on or before December 31, 2008, if their plan was adopted on or after January 1, 2004.

(b) (1) (A) A local agency may receive state funds administered by the department for the construction of groundwater projects or for other projects that directly affect groundwater levels or quality if it prepares and implements, participates in, or consents to be subject to, a groundwater management plan, a basinwide management plan, or other integrated regional water management program or plan that meets, or is in the process of meeting, the requirements of subdivision (a). A local agency with an existing groundwater management plan that meets the requirements of subdivision (a), or a local agency that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funds, shall be given priority consideration for state funds administered by the department over local agencies that are in the process of developing a groundwater management plan. The department shall withhold funds from the project until the upgrade of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for

1 funding administered by the department. The department shall
2 withhold funds from a project until the upgrade of the
3 groundwater management plan is complete.

4 (C) Notwithstanding subparagraph (A), a local agency that
5 conforms to the requirements of an adjudication of water rights
6 in the groundwater basin is in compliance with subdivision (a).
7 For purposes of this section, an “adjudication” includes an
8 adjudication under Section 2101, an administrative adjudication,
9 and an adjudication in state or federal court.

10 (D) Subparagraphs (A) and (B) do not apply to proposals for
11 funding under Part 2.78 (commencing with Section 10795), or to
12 funds authorized or appropriated prior to September 1, 2002.

13 (2) Upon the adoption of a groundwater management plan in
14 accordance with this part, the local agency shall submit a copy of
15 the plan, in an electronic format if practicable, approved by the
16 department, not later than 30 days after the date of adoption, to
17 the entities identified in paragraph (3). The local agency shall
18 submit copies of amendments or changes to the plan to the
19 entities identified in paragraph (3) not later than 30 days after the
20 date of adoption. The department shall make available to the
21 public copies of the plan received pursuant to this part.

22 (3) A local agency shall submit a copy of its plan and
23 amendments to each of the following:

24 (A) The department.

25 (B) Any city or county within which the groundwater basin
26 lies in whole or in part.

27 (C) Any urban water supplier that extracts or provides water
28 supplies within the groundwater basin.

29 (D) Any agricultural water supplier that extracts or provides
30 water supplies within the groundwater basin.

31 (E) Any city or county library within which district the
32 groundwater basin lies in whole or in part.

33 (F) The California State Library.

34 (G) Any local agency formation commission within which
35 county the groundwater basin lies in whole or in part.

36 (4) Not later than 30 days after the date of adopting its plan,
37 the local agency shall make the plan available for public review
38 on the local agency’s Internet Web site.

39 ~~SEC. 25. Section 10811 of the Water Code is amended to~~
40 ~~read:~~

1 ~~10811. “Conservation” means the use of cost-effective~~
2 ~~measures that do either of the following:~~

3 ~~(a) Reduce existing irrecoverable losses by reducing losses~~
4 ~~currently unavailable for reuse because they flow to salt sink or~~
5 ~~an inaccessible or degraded aquifer, or evaporate to the~~
6 ~~atmosphere.~~

7 ~~(b) Reduce diversions or extractions while maintaining the~~
8 ~~current social and economic benefits of the current uses of water.~~

9 ~~SEC. 26. Section 10811 of the Water Code is repealed.~~

10 ~~10811. “Conservation” means the use of cost-effective~~
11 ~~measure that reduce evapotranspiration, evaporation, or flows to~~
12 ~~unusable water bodies in order to prevent the waste, the~~
13 ~~unreasonable use, or the unreasonable method of use of water.~~

14 ~~SEC. 27. Section 10811 is added to the Water Code, to read:~~

15 ~~10811. “Water conservation” means the use of practices,~~
16 ~~techniques, and technologies that improve efficiency in the use of~~
17 ~~water.~~

18 ~~SEC. 26.—~~

19 ~~SEC. 28. Section 10814 of the Water Code is amended to~~
20 ~~read:~~

21 ~~10814. “Plan” means an agricultural water management plan~~
22 ~~prepared pursuant to this part. A plan shall describe and evaluate~~
23 ~~reasonable and practical efficient uses and cost-effective~~
24 ~~conservation activities. The plan shall address measures for~~
25 ~~agricultural water management as set forth in Article 2~~
26 ~~(commencing with Section 10825) of Chapter 3. In addition, a~~
27 ~~strategy and time schedule for implementation shall be included~~
28 ~~in the plan.~~

29 ~~SEC. 27.—~~

30 ~~SEC. 29. Section 10816 of the Water Code is amended to~~
31 ~~read:~~

32 ~~10816. “Agricultural water supplier” or “supplier” means a~~
33 ~~supplier, either publicly or privately owned, supplying more than~~
34 ~~2,000 acre-feet of water annually for agricultural purposes or~~
35 ~~serves more than 2,000 acres of agricultural land. An 10,000~~
36 ~~acre-feet of water annually for agricultural purposes. An~~
37 ~~agricultural water supplier includes a supplier or contractor for~~
38 ~~water, regardless of the basis of right, which distributes or sells~~
39 ~~for ultimate resale to customers. An agricultural water supplier~~

1 *does not include an individual farm that provides water only to*
2 *itself.*

3 ~~SEC. 28.—~~

4 *SEC. 30.* Section 10820 of the Water Code is repealed.

5 ~~SEC. 29.—~~

6 *SEC. 31.* Section 10820 is added to the Water Code, to read:

7 10820. (a) An agricultural water supplier shall prepare and
8 adopt an agricultural water management plan in the manner set
9 forth in this chapter on or before December 31, 2010.

10 (b) Every person that becomes an agricultural water supplier
11 shall adopt an agricultural water management plan within one
12 year after the date it has become an agricultural water supplier.

13 (c) An agricultural water supplier indirectly providing water
14 shall not include planning elements in its water management plan
15 as provided in Article 2 (commencing with Section 10825) that
16 would be applicable to agricultural water suppliers or public
17 agencies directly providing water, or to their customers, without
18 the consent of those suppliers or public agencies.

19 (d) (1) An agricultural water supplier may satisfy the
20 requirements of this part by adopting an urban water
21 management plan pursuant to Part 2.6 (commencing with Section
22 10610) or by participation in areawide, regional, watershed, or
23 basinwide ~~urban~~ water management planning if those plans will
24 reduce preparation costs and contribute to the achievement of
25 conservation and efficient water use.

26 (2) An agricultural water supplier, to the extent practicable,
27 shall coordinate the preparation of its plan with other appropriate
28 agencies in the area, including, but not limited to, other water
29 suppliers that share a common source, water management
30 agencies, and relevant public agencies.

31 (e) An agricultural water supplier may prepare the plan with
32 its own staff, by contract, or in cooperation with other
33 governmental agencies.

34 (f) An agricultural water supplier shall describe in the plan
35 water management tools and options used by that entity that will
36 maximize resources and minimize the need to import water from
37 other regions.

38 ~~SEC. 30.—~~

39 *SEC. 32.* Section 10821 of the Water Code is repealed.

~~SEC. 31.—~~

SEC. 33. Section 10821 is added to the Water Code, to read:

10821. (a) An agricultural water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.

(b) An agricultural water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the ~~urban~~ *agricultural* water supplier will be reviewing the plan and considering amendments or changes to the plan. The agricultural water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

(c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10840).

~~SEC. 32.—~~

SEC. 34. Section 10822 of the Water Code is repealed.

~~SEC. 33.—~~

SEC. 35. Section 10823 of the Water Code is repealed.

~~SEC. 34.—~~

SEC. 36. Section 10824 of the Water Code is repealed.

~~SEC. 35.—~~

SEC. 37. Section 10825 of the Water Code is repealed.

~~SEC. 36.—~~

SEC. 38. Section 10825 is added to the Water Code, to read:

10825. It is the intent of the Legislature, in enacting this part, to allow levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

~~SEC. 37.—~~

SEC. 39. Section 10826 of the Water Code is repealed.

~~SEC. 38.—~~

SEC. 40. Section 10826 is added to the Water Code, to read:

10826. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the agricultural water supplier and the service area, including all of the following:

(1) History and size of the service area.

(2) Location of the service area and its water management facilities.

- 1 (3) Terrain and soils.
- 2 (4) Climate.
- 3 (5) Operating rules and regulations.
- 4 (6) Water delivery measurements or calculations.
- 5 (7) Water rate schedules and billing.
- 6 (8) Water shortage allocation policies.
- 7 (b) Describe the quantity and quality of water resources of the
- 8 agricultural water supplier, including all of the following:
- 9 (1) Surface water supply.
- 10 (2) Groundwater supply.
- 11 (3) Other water supplies.
- 12 (4) Source water quality monitoring practices.
- 13 (5) Water uses within the water supplier's service area,
- 14 including all of the following:
- 15 (A) Agricultural.
- 16 (B) Environmental.
- 17 (C) Recreational.
- 18 (D) Municipal and industrial.
- 19 (E) Groundwater recharge.
- 20 (F) Transfers and exchanges.
- 21 (G) Other water uses.
- 22 (6) Drainage from the water supplier service area.
- 23 (7) Water accounting, including:
- 24 (A) Quantifying the water supplier's water supplies.
- 25 (B) Tabulate water uses.
- 26 (C) Overall water budget.
- 27 (8) Water supply reliability.
- 28 (c) Review previous water management activities.
- 29 (d) Identify efficient water management practices.
- 30 (e) Develop a schedule for program implementation, estimate
- 31 the budget needed for implementation, and identify the results
- 32 expected from full implementation of the agricultural water
- 33 management plan.
- 34 ~~SEC. 39.—~~
- 35 *SEC. 41.* Section 10826.1 is added to the Water Code, to
- 36 read:
- 37 10826.1. Agricultural water suppliers that are members of the
- 38 Agricultural Water Management Council, and that submit
- 39 ~~biennial reports~~ *water management plans* to that council in
- 40 accordance with the "Memorandum of Understanding Regarding

Efficient Water Management Practices By Agricultural Water Suppliers In California,” dated January 1, ~~1991~~ 1999, may submit the biennial reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (c), (d), and (e) of Section 10826.

~~SEC. 40.—~~

SEC. 42. Section 10840 of the Water Code is amended to read:

10840. Every agricultural water supplier shall prepare its plan pursuant to Article 2 (commencing with Section 10825).

~~SEC. 41.—~~

SEC. 43. Section 10841 of the Water Code is amended to read:

10841. An agricultural water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water conservation and reclamation and management methods and techniques.

~~SEC. 42.—~~

SEC. 44. Section 10844 of the Water Code is amended to read:

10844. (a) An agricultural water supplier shall file with the entities listed in subdivision (b) a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be filed with the entities listed in subdivision (b) within 30 days after adoption.

(b) An agricultural water supplier shall file a copy of its plan and amendments or changes to the plan with each of the following entities:

- (1) The department.
- (2) Any city or county, or city and county, within which the agricultural water supplier provides water supplies.
- (3) Any groundwater management entities within which the agricultural water supplier extracts or provides water supplies.
- (4) Any urban water supplier within which district the agricultural water supplier provides water supplies.
- (5) Any city or county library within which district the agricultural water supplier provides water supplies.
- (6) The California State Library.

(7) Any local agency formation commission within which county the agricultural water supplier provides water supplies.

(c) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The report shall include an evaluation of the effectiveness of this part in promoting efficient agricultural water management practices and shall include recommendations relating to proposed changes to this part, as appropriate. The department shall provide a copy of the report to each agricultural water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

~~SEC. 43.—~~

SEC. 45. Section 10845 of the Water Code is repealed.

~~SEC. 44.—~~ Section 10845 is added to the Water Code, to read:

~~10845. The adoption of a plan as specified in Section 10820 satisfies any requirements of state statute, regulation, or order, including those of the State Water Resources Control Board, for the preparation of water management plans. If the State Water Resources Control Board requires additional information concerning water conservation to implement its existing authority, nothing in this part limits that board in obtaining that information.~~

SEC. 46. Section 10845 is added to the Water Code, to read:

10845. Not later than 30 days after the date of adopting its plan, the agricultural water supplier shall make the plan available for public review on the agricultural water supplier's Internet Web site.

~~SEC. 45.—~~

SEC. 47. Section 10853 of the Water Code is repealed.

~~SEC. 46.—~~

SEC. 48. Section 10853 is added to the Water Code, to read:

~~10853. The adoption of a plan as specified in Section 10820 satisfies any requirements of state statute, regulation, or order, including those of the State Water Resources Control Board board, for the preparation of water management plans. If the~~

1 ~~State Water Resources Control Board~~ *board* requires additional
2 information concerning water conservation to implement its
3 existing authority, nothing in this part limits that board in
4 obtaining that information.

5 ~~SEC. 47.—~~

6 *SEC. 49.* Section 10854 of the Water Code is repealed.

7 ~~SEC. 48.—~~

8 *SEC. 50.* Section 10854 is added to the Water Code, to read:

9 10854. An agricultural water supplier that does not prepare,
10 adopt, and submit its agricultural water management plan in
11 accordance with this part, is ineligible to receive funds made
12 available pursuant to any program administered by the ~~State~~
13 ~~Water Resources Control Board~~ *board*, the department, or the
14 California Bay-Delta Authority until the agricultural water
15 management plan is submitted pursuant to this article.

16 ~~SEC. 49.—~~

17 *SEC. 51.* Section 10855 of the Water Code is repealed.